

Churchwell White^{LLP}

churchwellwhite.com

1414 K Street, 3rd Floor
Sacramento, CA 95814
T 916.468.0950 | F 916.468.0951

Margie Fair
T 916.468.4575
Marjorie@churchwellwhite.com

August 13, 2015

Bryan Smith
Central Valley Water Board
364 Knollcrest Drive, Ste. 205
Redding, CA 96002

Re.: Collins Pine Settlement Agreement

Dear Mr. Smith:

Please find enclosed Order R5-2015-00XX (Proposed) which has been signed by Mr. Schooler.

Should you have any questions, please do not hesitate to call.

Kind regards,

Churchwell White LLP



Margie Fair
MF/

Enclosure

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

In the Matter of:

Collins Pine Company

Chester Sawmill; Plumas County

ORDER R5-2015-00XX (Proposed)

**SETTLEMENT AGREEMENT AND
STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY
ORDER**

INTRODUCTION

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and Collins Pine Company (Collins Pine)(collectively known as the Parties) and is presented to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to Government Code section 11415.60.

RECITALS

2. On 7 November 2014, the Assistant Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Complaint No. R5-2014-0576 (Complaint) to Collins Pine pursuant to Water Code sections 13323 and 13385. The Complaint proposed to assess two hundred thirteen thousand dollars (\$213,000) in mandatory minimum penalties (MMPs) pursuant to California Water Code section 13385 subdivisions (h) and (i) for alleged violations of effluent limits established in Central Valley Water Board Order No. R5-2009-0015. The Complaint is attached hereto as Exhibit 1. The alleged effluent limit violations are specified in Attachment A to the Complaint.
3. Since the 7 November 2014 Complaint, Collins Pine has self-reported an additional five (5) effluent limit exceedances; two (2) copper effluent limit exceedances (30 November 2014 and 31 December 2014), one (1) lead effluent limit exceedance (30 November 2014), and two (2) COD effluent limit exceedances on 10 February 2015

and 17 February 2015). The Central Valley Water Board Prosecution Team confirmed these exceedances are, in fact, violations of the effluent limits established in Order No. R5-2009-0015 for which MMPs must be assessed.

4. The Parties have agreed to settle the alleged violations in the Complaint and the additional violations described above in Paragraph 3 without an administrative hearing or civil litigation by presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption as an order by settlement pursuant to Government Code section 11415.60. The settlement of an administrative civil liability complaint may include violations that occur after a complaint is issued so long as the settlement makes clear that the proposed administrative civil liability in the settlement extends to a date beyond that which was originally included in the complaint.¹ To resolve the alleged violations by consent and without further administrative proceedings, the Parties have agreed to the imposition of \$228,000 in mandatory minimum penalties.
5. The Central Valley Water Board Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the violations alleged herein, and that this Stipulated Order is in the best interest of the public.

STIPULATIONS

The Parties stipulate to the following:

6. **Administrative Civil Liability:** Collins Pine hereby agrees to the imposition of an administrative civil liability totaling TWO HUNDRED TWENTY EIGHT THOUSAND DOLLARS (\$228,000) in mandatory minimum penalties to resolve the violations alleged in the Complaint. Specifically, within thirty (30) days of issuance of the Order, the Collins Pine agrees to remit, by check, TWO HUNDRED TWENTY EIGHT THOUSAND DOLLARS (\$228,000) payable to the *State Water Pollution Cleanup and Abatement Account*, and shall indicate on the check the number of this Order. Collins Pine shall send the original signed check to the State Water Resources Control Board Accounting Office, Attn: ACL Payment, P.O. Box 1888, Sacramento, CA 95812-1888. Copies of the check shall be sent to Mayumi

¹ California Sportfishing Protection Alliance v. City of West Sacramento (E.D. Ca. 1995) 905 F.Supp. 792, 806.

Okamoto, Senior Staff Counsel, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812 and Bryan Smith, Supervising Water Resource Control Engineer, Regional Water Quality Control Board, Central Valley Region, 364 Knollcrest Drive, Suite 205, Redding, California 96002.

7. As a component of this settlement and Stipulated Order, the Parties acknowledge that they share a common goal of achieving a zero discharge operation at the Chester Sawmill. In working towards this goal, the Parties understand that Collins Pine intends to replace its existing wet Electrostatic Precipitator (ESP) with a dry pollution control device, to be operational by January 1, 2017, which coincides with the final compliance date in Time Schedule Order No. R5-2015-0007. The Parties agree to memorialize the project schedule and final compliance deadline for dry ESP installation in a Cease and Desist Order pursuant to California Water Code section 13301 or Cleanup and Abatement Order pursuant to California Water Code section 13304 and present the order to the Central Valley Water Board at a future board meeting for approval, if necessary.
8. **Compliance with Applicable Laws:** Collins Pine understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged in the Complaint may subject it to further enforcement, including additional administrative civil liability.
9. **Party Contacts for Communications related to Stipulated Order:**

For the Central Valley Water Board:
Bryan Smith, Supervising Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205
Redding, California 96002.
Bryan.Smith@waterboards.ca.gov
(530) 226-3425

For Collins Pine:

Jess Brown, Environmental Manager
Collins Companies
29100 SW Town Center Loop West, Suite 300
Wilsonville, Oregon 97070
JBrown@CollinsCo.com
(530) 826-5250

With a copy to:

Barbara A. Brenner
1414 K Street, 3d Floor
Sacramento, CA 95814
Barbara@churchwellwhite.com

10. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
11. **Matters Addressed by Stipulation:** Upon adoption by the Central Valley Water Board, or its delegee, this Stipulated Order represents a final and binding resolution and settlement of all claims, violations or causes of action alleged in the Complaint, including those in Paragraph 3. The Prosecution Team agrees to forego additional discretionary enforcement of all claims, violations or causes of action included in prior Notices of Violation issued to Collins Pine over the last five years, since January 1, 2010. The Prosecution Team further agrees to forego additional discretionary enforcement of claims, violations or causes of action over the last five years, since January 1, 2010 that were discovered by the Parties during the settlement process and could have been addressed by this Stipulated Order as of the effective date of this Stipulated Order ("Covered Matters"). The provisions of this Paragraph are expressly conditioned on the Collins Pine's payment of the administrative civil liability by the deadline specified in Paragraph 6 and the Parties' understanding as described in Paragraph 7.
12. **Public Notice:** Collins Pine understands that this Stipulated Order must be noticed for a 30-day public review and comment period prior to consideration by the Central Valley Water Board, or its delegee. If significant new information is received that

reasonably affects the propriety of presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption, the Prosecution Team may unilaterally declare this Stipulated Order void and decide not to present it to the Central Valley Water Board, or its delegee. Collins Pine agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.

13. **Addressing Objections Raised During Public Comment Period:** In the event procedural objections are raised prior to the Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure as necessary or advisable under the circumstances. The Parties agree that the procedure contemplated for the Central Valley Water Board's adoption of the settlement by the Parties and review by the public, as reflected in this Stipulated Order, will be adequate.
14. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or of the Central Valley Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of the Order. The failure of the Prosecution Team or of the Central Valley Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order.
15. **Effect of Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order is intended nor shall it be construed to preclude the Prosecution Team or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.
16. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party.
17. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Central Valley Water Board, or its delegee.
18. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the Central Valley Water Board, or its delegee, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to

assess administrative civil liabilities for the underlying alleged violations in the Complaint and Paragraph 3, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections resulting from settlement proceedings for this matter, including, but not limited to:

- a. Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Central Valley Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulation and/or the Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the Complaint in this matter; or
- b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

19. **Evidence of History of Violation:** Collins Pine agrees that in the event of any future enforcement actions by the Central Valley Water Board, the Stipulated Order may be used as evidence of a prior enforcement action consistent with California Water Code sections 13327 and 13385.
20. **Waiver of Hearing:** Collins Pine has been informed of the rights provided by California Water Code section 13323 subdivision (b), and hereby waives its right to a hearing before the Central Valley Water Board prior to the adoption of the Stipulated Order.
21. **Waiver of Right to Petition:** Collins Pine hereby waives its right to petition the Central Valley Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
22. **Covenant Not to Sue:** Collins Pine covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California,

their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any Covered Matter.

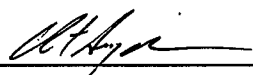
23. **Central Valley Water Board is Not Liable:** Neither the Central Valley Water Board members nor the Central Valley Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by Collins Pine, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the Central Valley Water Board, its members or staff be held as parties to or guarantors of any contract entered into by Collins Pine, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.
24. **Collins Pine is Not Liable:** Neither Collins Pine, its directors, officers, employees, agents, representatives or contractors shall be liable for any injury or damage to persons or property resulting from acts or omissions by the Central Valley Water Board members, or the Central Valley Water Board staff, attorneys, or representatives in carrying out activities pursuant to this Stipulated Order, nor shall Collins Pine, its directors, officers, employees, agents, representatives or contractors be held as parties to or guarantors of any contract entered into by the Central Valley Water Board, its members or staff, in carrying out activities pursuant to this Stipulated Order.
25. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Stipulated Order.
26. **No Third Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
27. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegee, approves and enters the Order.
28. **Counterpart Signatures:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be

deemed to be an original, but such counterparts shall together constitute one document.

29. **Incorporation of Exhibits:** Exhibit 1 is hereby incorporated by reference.


IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
Central Valley Region

By: 
Clint Snyder
Assistant Executive Officer

Date: 8/12/15

Collins Pine Company

By: 
Eric L. Schooler
President

Date: 8/5/2015

Order of the Central Valley Water Board

30. The Central Valley Water Board incorporates Paragraphs 1 through 29 by this reference.
31. The terms of the foregoing Stipulation are fully incorporated herein and made part of this Order of the Central Valley Water Board.
32. The Parties believe that settlement of this matter is in the best interest of the People of the State. Therefore, to settle the Complaint and alleged violations in Paragraph 3, Collins Pine hereby agrees to comply with the terms and conditions of this Order.
33. This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
34. This is an action to enforce the laws and regulations administered by the Central Valley Water Board. The method of compliance with this enforcement action consists entirely of payment of amounts for administrative civil liability. As such, the Central Valley Water Board finds that issuance of this Order is not considered subject to the provisions of the California Environmental Quality Act (CEQA) as it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not considered a "project" (Public Resources Code sections 21065, 21080(a); sections 15060(c)(2) and (3); 15378(a), Title 14, of the California Code of Regulations). In addition, the Central Valley Water Board finds that issuance of this Order is also exempt from the provisions of CEQA in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations as an enforcement action by a regulatory agency and there are no exceptions that would preclude the use of this exemption.
35. Fulfillment of Collins Pine's obligations under the Stipulated Order constitutes full and final satisfaction of any and all liability for each claim in the Complaint, allegations in Paragraph 3, and other Covered Matters in accordance with the terms of the Stipulated Order.

Order R5-2015-00XX
Settlement Agreement and Stipulation for
Entry of Administrative Civil Liability Order
Collins Pine Company, Chester Sawmill

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Pursuant to Water Code sections 13323 and 13385 and Government Code section
11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality
Control Board, Central Valley Region.

Pamela C. Creedon
Executive Officer

Date

Attachments:

Exhibit 1: Administrative Civil Liability Complaint R5-2014-0576

EXHIBIT 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2014-0576

MANDATORY PENALTY
IN THE MATTER OF

COLLINS PINE COMPANY
CHESTER SAWMILL
PLUMAS COUNTY

WDID NO. 5A322000001

This Administrative Civil Liability Complaint (Complaint) is issued to Collins Pine Company (Discharger), Chester Sawmill, pursuant to California Water Code (Water Code) section 13385, which authorizes the imposition of Administrative Civil Liability, Water Code section 13323, which authorizes the Assistant Executive Officer to issue this Complaint. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order No. R5-2009-0015 (NPDES No. CA0004391).

The Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) finds the following:

1. The Discharger owns and operates a sawmill and wood-burning cogeneration facility in the town of Chester, California. Treated process wastewater is discharged from Discharge Point D-001 to Stover Ditch, tributary to Lake Almanor. Stover Ditch and Lake Almanor are waters of the United States.
2. On 5 February 2009, effective the same date, the Central Valley Water Board issued WDRs Order R5-2009-0015, which contained new requirements and rescinded WDRs Orders R5-2004-0012, except for enforcement purposes.
3. This Complaint addresses administrative civil liability for effluent violations that occurred during the period from 1 April 2012 through 30 April 2013 and 21 November 2013 through 30 April 2014. These violations are specifically identified in Attachment A to this Complaint as subject to mandatory minimum penalties, and are incorporated herein by this reference.
4. On 26 February 2013, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violation for effluent violations from 26 April 2012 through 31 December 2012.
5. On 10 December 2013, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent violations from 3 January 2013 through 30 April 2013.
6. On 7 May 2014, Central Valley Water Board staff issued the Discharger a Notice of Violation for an effluent violation on 18 February 2014.

EXHIBIT 1

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COMPLAINT NO. R5-2014-0576
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
COLLINS PINE COMPANY, CHESTER SAWMILL
PLUMAS COUNTY

7. On 21 August 2014, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent violations from 21 November 2013 through 30 April 2014.
8. Water Code section 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code section 13385(h)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Water Code section 13385 (h)(2) states,

For the purposes of this section, a 'serious violation' means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

Water Code section 13385(i)(1) states

Notwithstanding any other provisions of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirements to assess the mandatory minimum penalty shall not be applicable to the first three violations.

- a) violates a waste discharge requirement effluent limitation;
- b) fails to file a report pursuant to California Water Code section 13260;
- c) files an incomplete report pursuant to California Water Code section 13260; or
- d) violates a toxicity effluent limitation contained in the applicable waste discharge pollutant-specific effluent limitations for toxic pollutants.

9. Water Code section 13323 states, in part:

Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.

EXHIBIT 1

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COMPLAINT NO. R5-2014-0576
 ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
 COLLINS PINE COMPANY, CHESTER SAWMILL
 PLUMAS COUNTY

10. WDR's Order No. R5-2009-0015 Final Effluent Limitations IV.A. states, in part:

1. Final Effluent Limitations – Discharge Point EFF-001

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point EFF-001, with compliance measured at Monitoring Location EFF-001 as described in the attached MRP (Attachment E):

- a. The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

Table 6. Effluent Limitations

Parameter	Units	Effluent Limitation				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Chemical Oxygen Demand	mg/L	--	--	40	--	--
pH	--	--	--	--	6.0	9.0
Copper, Total Recoverable	ug/L	7.44	--	14.92	--	--
Lead, Total Recoverable	ug/L	2.95	--	5.92	--	--

11. According to the Discharger's self-monitoring reports, the Discharger committed forty-eight (48) non-serious violations of the above effluent limitations contained in WDR Order R5-2009-0015, as shown in Attachment A. These violations are defined as non-serious because measured concentrations exceeded the effluent limitations in the WDRs however, the specific pollutant parameters are neither Group I nor Group II pollutants. The mandatory minimum penalty for these non-serious violations is three thousand dollars (\$3,000) per violation, excluding the non-serious violation on 26 April 2012 which is not subject to MMPs because it is one of the first three non-serious violations within a 180 day period, and with the exception of second samples collected on 29 January 2013, 5 February 2013, 12 February 2013, 26 February 2013, and 5 March 2013. The total mandatory minimum penalty for these non-serious violations is **one hundred and twenty-six thousand dollars (\$126,000)**.

12. According to the Discharger's self-monitoring reports, the Discharger committed four (4) non-serious Group I violations of the above effluent limitations contained in WDR Order R5-2009-0015, as shown in Attachment A. These violations are defined as non-serious because measured concentrations of Group I constituents did not exceed the effluent limitations in the WDRs by 40 percent or more. The mandatory minimum penalty for these non-serious violations is three thousand dollars (\$3,000) per violation, with the exception of a non-serious violation on 21 November 2013 which is not subject to MMPs because it is one of the first three non-serious violations within a 180 day period. The total mandatory minimum penalty for these non-serious violations is **nine thousand dollars (\$9,000)**.

EXHIBIT 1

COMPLAINT NO. R5-2014-0576
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
COLLINS PINE COMPANY, CHESTER SAWMILL
PLUMAS COUNTY

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13. According to the Discharger's self-monitoring reports, the Discharger committed eight (8) serious Group I violations of the above effluent limitations contained in the WDRs Order R5-2009-0015, as shown in Attachment A. These violations are defined as serious because measured concentrations of Group I constituents exceeded the effluent limitations in the WDRs by 40 percent or more. The mandatory minimum penalty for these serious violations is three thousand dollars (\$3,000) per violation, which equals **twenty-four thousand dollars (\$24,000)**.
14. According to the Discharger's self-monitoring reports, the Discharger committed eight (8) non-serious Group II violations of the above effluent limitations contained in WDR Order R5-2009-0015, as shown in Attachment A. These violations are defined as non-serious because measured concentrations of Group II constituents did not exceed the effluent limitations in the WDRs by 20 percent or more. The mandatory minimum penalty for these non-serious violations is three thousand dollars (\$3,000) per violation, with the exception of non-serious violations on 27 November 2012 and 31 December 2012. The total mandatory minimum penalty for these non-serious violations is **eighteen thousand dollars (\$18,000)**.
15. According to the Discharger's self-monitoring reports, the Discharger committed twelve (12) serious Group II violations of the above effluent limitations contained in the WDRs Order R5-2009-0015, as shown in Attachment A. These violations are defined as serious because measured concentrations of Group I constituents exceeded the effluent limitations in the WDRs by 20 percent or more. The mandatory minimum penalty for these serious violations is three thousand dollars (\$3,000) per violation, which equals **thirty-six thousand dollars (\$36,000)**.
16. The total amount of the mandatory penalties assessed for the alleged effluent violations is **two hundred and thirteen thousand dollars (\$213,000)**. As stated herein, a detailed list of the alleged effluent violations is included in Attachment A. This Complaint addresses administrative civil liability for violations that are specifically identified in Attachment A as subject to mandatory minimum penalties.
17. Issuance of this Administrative Civil Liability Complaint to enforce Water Code Division 7, Chapter 5.5 is exempt from provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321 subsection (a)(2).

THE COLLINS PINE COMPANY, CHESTER SAWMILL IS HEREBY GIVEN NOTICE THAT:

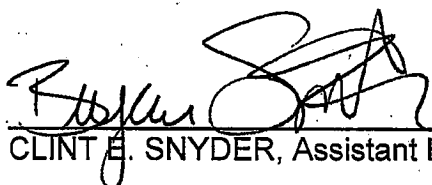
1. The Assistant Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **two hundred and thirteen thousand dollars (\$213,000)**.
2. A hearing on this matter will be held at the Central Valley Water Board meeting scheduled on **5/6 February 2015**, unless either of the following occurs by **5 December 2014**:

EXHIBIT 1

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COMPLAINT NO. R5-2014-0576
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
COLLINS PINE COMPANY, CHESTER SAWMILL
PLUMAS COUNTY

- a) The Discharger waives its right to a hearing by completing the attached form (checking off the box next to Option #1) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **two hundred and thirteen thousand dollars (\$213,000)**; or
 - b) The Central Valley Water Board agrees to postpone the hearing after the Discharger waives its right to a hearing within 90-days of the date of this Complaint and requests to engage in settlement discussions by checking off the box next to Option #2 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed; or
 - c) The Central Valley Water Board agrees to postpone the hearing after the Discharger waives its right to a hearing within 90-days of the date of this Complaint and requests a continuance by checking off the box next to Option #3 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed.
3. If a hearing on this matter is conducted, the Central Valley Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

 for
CLINT E. SNYDER, Assistant Executive Officer
11-7-2014
(date)

Attachment A: Record of Violations

EXHIBIT 1

WAIVER FORM FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent the Collins Pine Company (Discharger), Chester Sawmill, in connection with Administrative Civil Liability Complaint **R5-2014-0576** (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing."

☐ **(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay in full.)**

- a. I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **two hundred and thirteen thousand dollars (\$213,000)** by check that references "ACL Complaint **R5-2014-0576**" made payable to the *State Water Pollution Cleanup and Abatement Account*. Payment must be received by the Central Valley Water Board **by 5 December 2014**.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

☐ **(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Central Valley Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

☐ **(OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Central Valley Water Board to approve the extension.

Eric Schooler
(Print Name and Title)

Eric Schooler
(Signature)

8/5/2015
(Date)

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2014-0576

COLLINS PINE COMPANY, CHESTER SAWMILL, ORDER NO. R5-2009-0015

RECORD OF VIOLATIONS (1 April 2012 through 30 April 2013 and 21 November 2013 through 30 April 2014)
 MANDATORY MINIMUM PENALTIES (MMP)
 (Data reported under Monitoring and Reporting Program No. R5-2009- 0015)

EXHIBIT 1

Violation Date	Discharge Point	Pollutant/Parameter	Units	Effluent Limitation	Analytical Results	Percent Over	Period	Pollutant Group	Violation Type	CIWQS Violation	MMP
4/26/2012	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	926162	1
5/1/2012	001	COD	mg/L	40	81	102.5	MDEL	Group I	Serious	930763	\$3,000
5/31/2012	001	Copper, Total	ug/L	7.44	9.1	22.3	AMEL	Group II	Serious	930764	\$3,000
6/27/2012	001	pH	S.U.	9.0	9.2	--	Instantaneous Maximum	--	Non-Serious	931575	\$3,000
11/30/2012	001	Copper, Total	ug/L	7.44	8.66	16.4	AMEL	Group II	Non-serious	940881	1
12/3/2012	001	COD	mg/L	40	60	50	MDEL	Group I	Serious	942400	\$3,000
12/31/2012	001	Copper, Total	ug/L	7.44	8.4	12.9	AMEL	Group II	Non-Serious	942397	1
1/3/2013	001	COD	mg/L	40	74	85	MDEL	Group I	Serious	943864	\$3,000
1/24/2013	001	pH	S.U.	9.0	9.4	--	Instantaneous Maximum	--	Non-Serious	943861	\$3,000
1/25/2013	001	pH	S.U.	9.0	9.4	--	Instantaneous Maximum	--	Non-Serious	943872	\$3,000
1/26/2013	001	pH	S.U.	9.0	9.4	--	Instantaneous Maximum	--	Non-Serious	943869	\$3,000
1/27/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	943865	\$3,000
1/28/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	943862	\$3,000

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Violation Date	Discharge Point	Pollutant/Parameter	Units	Effluent Limitation	Analytical Results	Percent Over	Period	Pollutant Group	Violation Type	CIWQS Violation	MMP
1/29/2013	001	pH	S.U.	9.0	9.5	--	Instantaneous Maximum	--	Non-Serious	943867	\$3,000
1/29/2013	001	pH	S.U.	9.0	9.4	--	Instantaneous Maximum	--	Non-Serious	955135	2
1/30/2013	001	pH	S.U.	9.0	9.4	--	Instantaneous Maximum	--	Non-Serious	943870	\$3,000
1/31/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	943866	\$3,000
1/31/2013	001	Copper, Total	ug/L	7.44	14.8	99	AMEL	Group II	Serious	943871	\$3,000
1/31/2013	001	Lead, Total	ug/L	2.95	3.9	32	AMEL	Group II	Serious	955132	\$3,000
2/1/2013	001	pH	S.U.	9.0	9.4	--	Instantaneous Maximum	--	Non-Serious	945489	\$3,000
2/2/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945500	\$3,000
2/3/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945496	\$3,000
2/4/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945497	\$3,000
2/5/2013	001	pH	S.U.	9.0	9.2	--	Instantaneous Maximum	--	Non-Serious	955140	\$3,000
2/5/2013	001	pH	S.U.	9.0	9.2	--	Instantaneous Maximum	--	Non-Serious	945502	2
2/7/2013	001	pH	S.U.	9.0	9.2	--	Instantaneous Maximum	--	Non-Serious	945490	\$3,000
2/8/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945504	\$3,000
2/9/2013	001	pH	S.U.	9.0	9.5	--	Instantaneous Maximum	--	Non-Serious	945488	\$3,000
2/10/2013	001	pH	S.U.	9.0	9.6	--	Instantaneous Maximum	--	Non-Serious	945491	\$3,000

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Violation Date	Discharge Point	Pollutant/ Parameter	Units	Effluent Limitation	Analytical Results	Percent Over	Period	Pollutant Group	Violation Type	CIWQS Violation	MMP
2/11/2013	001	pH	S.U.	9.0	9.6	--	Instantaneous Maximum	--	Non-Serious	945506	\$3,000
2/12/2013	001	pH	S.U.	9.0	9.5	--	Instantaneous Maximum	--	Non-Serious	955137	\$3,000
2/12/2013	001	pH	S.U.	9.0	9.5	--	Instantaneous Maximum	--	Non-Serious	945493	2
2/13/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945505	\$3,000
2/14/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945494	\$3,000
2/15/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945501	\$3,000
2/16/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	945495	\$3,000
2/19/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	945492	\$3,000
2/23/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	945507	\$3,000
2/24/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945508	\$3,000
2/25/2013	001	pH	S.U.	9.0	9.2	--	Instantaneous Maximum	--	Non-Serious	945498	\$3,000
2/26/2013	001	pH	S.U.	9.0	9.5	--	Instantaneous Maximum	--	Non-Serious	945503	\$3,000
2/26/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	955138	2
2/27/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	945499	\$3,000
2/28/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	945509	\$3,000
3/1/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	955147	\$3,000

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Violation Date	Discharge Point	Pollutant/ Parameter	Units	Effluent Limitation	Analytical Results	Percent Over	Period	Pollutant Group	Violation Type	CIWQS Violation	MMP
3/2/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	955154	\$3,000
3/3/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	955148	\$3,000
3/4/2013	001	pH	S.U.	9.0	9.2	--	Instantaneous Maximum	--	Non-Serious	955151	\$3,000
3/5/2013	001	pH	S.U.	9.0	9.4	--	Instantaneous Maximum	--	Non-Serious	946774	\$3,000
3/5/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	955153	2
3/7/2013	001	pH	S.U.	9.0	9.2	--	Instantaneous Maximum	--	Non-Serious	955146	\$3,000
3/8/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	955152	\$3,000
3/9/2013	001	pH	S.U.	9.0	9.2	--	Instantaneous Maximum	--	Non-Serious	955149	\$3,000
3/10/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	955150	\$3,000
3/11/2013	001	pH	S.U.	9.0	9.3	--	Instantaneous Maximum	--	Non-Serious	955155	\$3,000
3/16/2013	001	pH	S.U.	9.0	9.1	--	Instantaneous Maximum	--	Non-Serious	955145	\$3,000
3/21/2013	001	COD	mg/L	40	41	2.5	MDEL	Group I	Non-Serious	946776	\$3,000
3/31/2013	001	Copper, Total	ug/L	7.44	7.7	3.5	AMEL	Group II	Non-Serious	946775	\$3,000
4/18/2013	001	Lead, Total	ug/L	5.92	7	18	MDEL	Group II	Non-Serious	948878	\$3,000
4/30/2013	001	Lead, Total	ug/L	2.95	7	137	AMEL	Group II	Serious	955159	\$3,000
4/30/2013	001	Copper, Total	ug/L	7.44	9.3	25	AMEL	Group II	Serious	948877	\$3,000

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Violation Date	Discharge Point	Pollutant/ Parameter	Units	Effluent Limitation	Analytical Results	Percent Over	Period	Pollutant Group	Violation Type	CIWQS Violation	MMP
11/21/2013	001	COD	mg/L	40	45	12.5	MDEL	Group I	Non-Serious	960488	1
11/30/2013	001	Copper, Total	µg/L	7.44	9.8	31.7	AMEL	Group II	Serious	960491	\$3,000
11/30/2013	001	Lead, Total	µg/L	2.95	4.8	62.7	AMEL	Group II	Serious	960490	\$3,000
12/24/2013	001	COD	mg/L	40	129	223	MDEL	Group I	Serious	961739	\$3,000
12/31/2013	001	Copper, Total	µg/L	7.44	8.6	15.6	AMEL	Group II	Non-Serious	961737	\$3,000
12/31/2013	001	Lead, Total	µg/L	2.95	3	1.69	AMEL	Group II	Non-Serious	961738	\$3,000
1/7/2014	001	COD	mg/L	40	54	35	MDEL	Group I	Non-Serious	963841	\$3,000
1/31/2014	001	Copper, Total	µg/L	7.44	9.85	32.4	AMEL	Group II	Serious	963843	\$3,000
1/31/2014	001	Lead, Total	µg/L	2.95	3.25	10.2	AMEL	Group II	Non-Serious	963840	\$3,000
2/18/2014	001	COD	mg/L	40	65	62.5	MDEL	Group I	Serious	965565	\$3,000 ³
2/28/2014	001	COD	mg/L	40	110	175	MDEL	Group I	Serious	965633	\$3,000
2/28/2014	001	Lead, Total	µg/L	2.95	3	1.69	AMEL	Group II	Non-Serious	965634	\$3,000
3/4/2014	001	COD	mg/L	40	112	180	MDEL	Group I	Serious	967183	\$3,000
3/4/2014	001	Lead, Total	µg/L	5.92	12.8	116	MDEL	Group II	Serious	972139	\$3,000
3/4/2014	001	Copper, Total	µg/L	14.92	26	74.3	MDEL	Group II	Serious	972138	\$3,000
3/31/2014	001	Lead, Total	µg/L	2.95	7.4	151	AMEL	Group II	Serious	967181	\$3,000

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Violation Date	Discharge Point	Pollutant/Parameter	Units	Effluent Limitation	Analytical Results	Percent Over	Period	Pollutant Group	Violation Type	CIWQS Violation	MMP
3/31/2014	001	Copper, Total	µg/L	7.44	16	115	AMEL	Group II	Serious	967184	\$3,000
4/8/2014	001	COD	mg/L	40	63	57.5	MDEL	Group I	Serious	968831	\$3,000
4/30/2014	001	COD	mg/L	40	49	22.5	MDEL	Group I	Non-Serious	968830	\$3,000
Total										968830	\$213,000

¹ Non-serious violations that fall within the first three violations in a six-month period, thus exempt from MMPs.

² Second violation in a single day of an instantaneous maximum limitation; therefore, not subject to MMPs.

³ Central Valley Water Board sampling result. Discharger notified of violation in 7 May 2014 Notice of violation

Notes: Serious Group I: any waste discharge that exceeds the effluent limitation for a Group I pollutant by 40 percent or more

Serious Group II: any waste discharge that exceeds the effluent limitation for a Group II pollutant by 20 percent or more

Non-Serious Violation: A mandatory minimum penalty shall be assessed whenever the discharger does any of the following four or more times in any period of 180 days, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- (a) violates a WDR effluent limitation;
- (b) fails to file a report pursuant to California Water Code section 13260;
- (c) files an incomplete report pursuant to California Water Code section 13260; or
- (d) violates a whole effluent toxicity limitation where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.